



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

October 24, 2023

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/25/2023

BY ECF

The Honorable Mary Kay Vyskocil
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

Re: United States v. Gonzalez, 23 Cr. 18 (MKV)

Dear Judge Vyskocil:

The Government respectfully submits this joint letter motion to extend the filing deadline of motions in limine (currently due November 3, 2023) until December 1, 2023, when the other pretrial filings are currently due. (See Doc. No. 15.)

The defendant's motion to dismiss Counts One and Three of the Superseding Indictment is pending and will not be fully briefed until October 27, 2023. (Doc. No. 27.) The outcome of that motion could substantially change the scope and substance of the motions in limine that the parties would file: for example, if the firearms offenses remain, the Government would expect to file motions in limine to admit evidence of prior occasions when the defendant possessed guns. Moreover, the Court's reasoning in resolving the motion to dismiss could also impact the arguments that the parties marshal in motions in limine. Finally, the parties anticipate that the resolution of the motion to dismiss may obviate the need for a trial entirely.

In sum, an extension of the motion in limine deadline could reduce or streamline future motion practice and promote judicial economy. The parties do not believe an extension of the deadline will impact the overall trial schedule or the January 22, 2024 trial date.

The parties respectfully propose December 1 as the new motion in limine deadline, which would coincide with the parties' other pretrial filings. That date would allow approximately 30 days for the Court to rule on the motion to dismiss and for the parties to tailor future filings in light of that ruling.

We thank the Court for its consideration.

Respectfully submitted,


DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

by: /s/
Jun Xiang / Ashley C. Nicolas
Assistant United States Attorneys
(212) 637-2289 / -2467

CC
Counsel of Record

Granted. SO ORDERED.

Date: 10/25/2023
New York, New York


Mary Kay Vyskocil
United States District Judge